

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**LULAC PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
THEIR THIRD AMENDED COMPLAINT
AND TO FILE OUT OF TIME**

Plaintiffs League of United Latin American Citizens, *et al.* (“LULAC Plaintiffs”) file this motion for leave to file their Third Amended Complaint pursuant to Federal Rule of Civil Procedure 15 and the Court’s May 23, 2022 Order. This motion is unopposed.

On May 23, 2022, this Court issued its Order granting and denying in part Defendants’ motions to dismiss the complaints of Plaintiffs MALC, Texas NAACP, the Voto Latino Plaintiffs, the Fair Maps Plaintiffs and the United States. Dkt. 307 at 60. The Court stated that, “[n]otwithstanding the Court’s scheduling order, all Plaintiffs have fourteen days to amend their complaints in response to this order.” *Id.* On June 6, 2022, LULAC Plaintiffs filed an unopposed motion for leave to extend their deadline to amend to June 8, 2022; the Court granted that motion.

LULAC Plaintiffs have worked diligently to meet their deadline and address the Court’s discussion of the pleading requirements, including drafting an expanded complaint to identify

specific affected LULAC and other associational plaintiff members as well as to expand on the factual bases of their claims. For this reason, LULAC Plaintiffs request that they be allowed to file their complaint today, June 9, 2022. Granting the request will serve the interests of efficiency and justice, and the proposed amendment is not “clearly futile,” because the allegations in the proposed amendment support LULAC Plaintiffs’ asserted claims for relief. *See De La Garza Gutierrez v. Pompeo*, 741 F. App’x 994, 1000 (5th Cir. 2018) (per curiam).

Accordingly, LULAC Plaintiffs respectfully request that the Court grant them leave to file their Third Amended Complaint on this day.

Dated: June 9, 2022

Respectfully submitted,

/s/ Nina Perales

Nina Perales

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Counsel for LULAC Plaintiffs

CERTIFICATE OF CONFERENCE

I hereby certify that, on June 9, 2022, counsel for LULAC Plaintiffs conferred with counsel for Defendants regarding Plaintiffs' planned amended complaint and the request to file on this day. Counsel for Defendants indicated they do not oppose the motion.

/s/ Nina Perales

Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 9th day of June 2022.

/s/ Nina Perales

Nina Perales